

**Remarks**

Claims 1-19 have been rejected under 35 USC 102(e) as being anticipated by U.S. patent no. 5,956,744 (“Robertson”).

Claims 20-22 have been rejected under 35 USC 103(a) as being unpatentable over Robertson.

Applicants respectfully traverse these rejections because the cited references do not disclose or suggest every element of any pending claim, as the following analysis shows.

Independent claims 1, 13, and 17 each recite two locked ways, with one locked way having a higher priority than the other locked way. This limitation was previously referred to in claim 10, which has now been cancelled as redundant. In the first seven lines of page 5 of the office action, the rejection states that this limitation is equivalent to prioritizing the unlocked ways as described by Robertson at column 33, lines 27 et seq., but does not indicate any place in the text in which Robertson discloses the actual limitations of these claims. If Robertson does not directly disclose all the limitations of these claims, this fact alone negates any rejection under 35 USC 102.

Although an obviousness rejection under 35 USC 103 was not made, in the interest of compact prosecution Applicants would also like to point out that this limitation is not equivalent to anything described by Robertson in the cited passage, and in fact Robertson teaches away from this concept. At column 6 lines 24-27, Robertson states that a locked way is never replaced. Since deciding which way to replace upon a cache

miss is the sole reason for assigning priority levels to the ways, and Robertson did not even address the possibility of replacing a locked way, Robertson obviously did not contemplate how to make such a decision. Further, Robertson states that if all ways are locked, a memory fault will be generated upon a cache miss rather than trying to decide which locked way to flush. This further shows that Robertson did not contemplate a reason to distinguish between different priority levels among multiple locked ways, and therefore the Robertson reference does not suggest any motivation to address this possibility.

The remaining pending claims depend from independent claims 1, 13 and 17, and therefore contain the same limitations not disclosed or suggested by the cited reference.

**1ST AVAILABLE COPY****Conclusion**

For the foregoing reasons, it is submitted that the application is in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible. If any fee insufficiency or overpayment is found, please charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

Respectfully submitted,

Intel Corporation

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